



Washington State
Department of Health
Board of Osteopathic Medicine and Surgery
Meeting Minutes
January 25, 2008

The meeting of the Washington State Board of Osteopathic Medicine and Surgery was called to order by Daniel Dugaw, DO, Chair, at 9:03 a.m. The meeting was held at: St. Francis Hospital, 34515 9th Avenue South, Federal Way, Washington 98003.

Board Members Present: Daniel Dugaw, DO, Chair
William Gant, Public Member, Vice Chair
Thomas Shelton, DO
Peter Kilburn, DO

Staff Present: Blake Maresh, Executive Secretary
Arlene Robertson, Program Manager
Erin Obenland, Disciplinary Program Manager
Joe Mihelich, Administrative Staff
Judy Young, Staff Attorney
Patricia Stuart, Staff Attorney

Guests Present: Kathie Itter, Executive Director,
Washington Osteopathic Medical Association

Open Session

1. Call to Order
 - 1.1 Approval of Agenda

The agenda was amended to include changing the May 16th meeting date.

- 1.2 Approval of Minutes - November 16, 2007 meeting

The November 16, 2007 meeting minutes were approved.

1.3 Approval of Minutes - December 19, 2007 conference call minutes

The December 19, 2007 conference call minutes were approved.

1.4 Approval of Minutes - January 8, 2008 conference call minutes

The January 8, 2008 conference call minutes were approved.

2. Marc Defreyn, Supervising Staff Attorney, Use of Legal Service Unit/Completing the Sanction Worksheet

2.1 Review of Policies and Procedures

2.1.1 Review of Complaints by the Board OP95-01

2.1.2 Closure of Investigated Cases OP95-02

2.1.3 Review of Investigations by Reviewing Board Member Recommending Disciplinary Action or Further Investigation OP95-10

2.1.4 Closure of Below Threshold Reports/No Jurisdiction Reports OP97-26

ISSUE

The Board has experienced difficulty in determining when an action is warranted, especially in more complex cases. Without a legal review, it is also difficult to establish appropriate sanctions at the initial review. Program and Legal staff met and propose that the reviewing board member contact the Disciplinary Program Manager immediately when their review of the file indicates an action may be warranted. Staff will forward the file to Legal for review prior to the board meeting. By using the staff attorney's legal analysis, the reviewing board member will be able to recommend possible sanctions appropriate to the violation(s).

In addition to proposing sanctions at the time a case is approved for action, it should save time to have the legal review at the beginning of a case. This will provide a head start on cases that are referred to Legal for action.

ACTION

The Board approved this new procedure. Staff will modify the procedures to reflect the changes. Board

members will be provided the changes to add to their manuals.

3. Disciplinary Issues

3.1 Procedure 205: Initial Assessment and Case Disposition Decisions

- 3.1.1 Assessment Worksheet - Form 205A
- 3.1.2 Case Disposition Worksheet - Form 205B
- 3.1.3 Board Approved Below Threshold Criteria

ISSUE

Procedure 205 and the accompanying worksheets along with the Board's below threshold criteria were reviewed. It was noted the assessment worksheet was very similar to the current worksheet being used by the Board. The case disposition worksheet is also currently being used in a little different format.

ACTION

The Board adopted use of the revised forms. The Assessment Worksheet, Form 205A, will include the Board's approved below threshold criteria.

4. Rules

4.1 Mandatory Reporting Rules

UPDATE

Ms. Robertson reported that the CR102, including any changes in the rule language, has not been distributed. When the CR102 is filed, the Board will be sent the proposed language. Since the Board will not meet before the hearing date, board members are encouraged to provide input and concerns directly to Department staff.

4.2 Retired Volunteer Medical Worker Rules

UPDATE

Information on the recently adopted retired volunteer medical worker rules was shared with the Board. Ms. Robertson advised that the Legislature has proposed changes to the law relative to foreign practitioners.

4.3 Non-Surgical Cosmetic Procedures (MQAC Proposed rules)

UPDATE

Drafts of the MDs and MD PAs proposed rules were provided for review. These are very preliminary drafts. The Medical Quality Assurance Commission (MQAC) is gathering input and will consider suggestions at its February meeting. Staff will bring the revised drafts to the Board when they are available.

5. Program Manager Reports

5.1 Budget Report - January 2008

The budget report was provided. Expenditures are keeping within biennium allotments.

5.2 Washington Physicians Health Program - November 2007 Statistical Information

The November 2007 statistical report was provided. Mr. Maresh noted that Dr. Oreskovich should be invited to a meeting in the near future to update the board on WPHP and acquaint the new board members with the program.

5.3 Federation of State Medical Boards Annual Meeting Attendance - May 1-3, 2008, San Antonio, Texas

Information relative to the upcoming annual meeting was provided. Board members were encouraged to attend the meeting.

Drs. Shelton and Kilburn and Mr. Gant indicated an interest in attending. Staff will prepare the paperwork for Department approval.

5.4 Procedure 421 - Lists of Credential Holders, Including Labels - Delegation of approval on behalf of the Board

ISSUE

The delegation of lists/labels of credential holders for public records requests was discussed. Staff indicated that disclosure is generally to organizations that provide continuing education for licensees.

ACTION

The Program Manager, Executive Director, and Deputy Executive Director were approved for delegation authority to approve organizations to obtain disclosable information on behalf of the Board.

5.5 Change in May 16th meeting date.

Due staff unavailability, it was requested the meeting be rescheduled to May 9th. The Board concurred with the change.

6. Executive Director Reports

6.1 Department/Division Updates

Mr. Maresh reported that the ILRS system is scheduled to go live on February 19. Staff is currently being trained on the system. Implementation is anticipated to provide an integrated source of information for the licensing and disciplinary processes. The next phase is anticipated to provide the capability to do online renewals.

6.2 Health Systems Quality Assurance - 2007-2009 Strategic Plan

The strategic plan for the Health Systems Quality Assurance Division was reviewed by Mr. Maresh. In addition to Division goals, the plan highlights specific goals of Secretary Selecky and Governor Gregoire. Many of the initiatives are consistent with the audit findings. The Division has completed a significant number of the action items.

7. Legislation Topics/Issues

7.1 HB 2428 - An Act Relating to multidrug resistant organisms

7.1.1 Interim Guidelines for Evaluation & Management of Community-Associated MRSA SSTI in Outpatient Settings and Recommendations-Excerpts from Evidence-Based Monitoring Strategies and Interventions for Antibiotic Resistant Organisms January 2008 report (Complete report may be viewed at www.doh.wa.gov)

One of the issues being addressed in the Legislature is MRSA infection reporting. A reporting mechanism is

being proposed to track cases. A recent report, which is posted on the Department of Health Web page, provides for evaluation and management of community-associated MRSA and soft tissue infections in outpatient settings. The report provides guidelines and resources for providers. The report also includes public education efforts to prevent infection transmission and provide a more realistic perspective on the actual risk from MRSA type organisms.

7.2 Legislative Summary Report

Mr. Maresh reported several bills were introduced that are related to the audit findings. He indicated that ESHB 1103 was reintroduced, although it appears to have some different elements than last year. HB 2816 would require all of the medical professions to identify by rule all of the procedures and instruments that are permitted to be used within the scope of practice of each profession. HB 2907 would require more specific operating agreements with the Department of Health and permit an Executive Director to be selected by each Board/Commission.

There are a significant number of bills being monitored by staff. Mr. Gant is the Board's participant on the Tuesday "Meet me Calls". Staff will try to keep the board members advised of pertinent issues as the session moves forward.

8. Correspondence

8.1 Federation of State Medical Boards - James N. Thompson, MD

A thank you letter was shared with the Board from the Federation regarding the recent visit by Drs. Thompson and Crane.

9. (*Open Session*) Settlement Presentations

(Presentations are contingent upon agreements being reached between the parties prior to a board meeting.)
Deliberations are held in Executive Session.

There were no settlement presentations.

Closed Session

10. Statement of Allegations/Stipulation to Informal Disposition presentations (*Presentations are contingent upon agreements being reached between the parties prior to a board meeting.*)

Deliberations are held in Executive Session.

10.1 Docket No. 07-03-A-10520P - Presented by Patricia Stuart, Staff Attorney

Ms. Stuart reviewed the circumstances of case No. 07-03-A-10520P with the Board. She indicated the licensee's employer has taken steps to provide additional training in the area of concern. Dr. Hunter supports the proposed informal disposition conditions as sufficient to protect the public.

Deliberations were held in Executive Session. The respondent will be advised of the Board's decision by mail.

11. Report Reviews/Investigative Authorizations

Six reports were reviewed. Three cases were authorized for investigation. The following cases were closed below threshold:

2008-01-00040P

2008-01-00050P

2008-01-00060P

12. Disciplinary Case Reviews - Reviewing Board Member Reports

<u>CASE NUMBER</u>	<u>CASE DISPOSITION</u>
2007-05-00010P	Closed no cause for action; evidence does not support a violation
2007-10-00040P	Closed no cause for action; evidence does not support a violation
2007-05-00050P	Reconsideration reopened for further review.

13. Open case report

The list of current open cases was provided.

14. Compliance Issues

There were no compliance issues.

15. Application Review

There were no applications for review.

The meeting was adjourned at 11:55 p.m.

Respectfully Submitted

Arlene Robertson
Program Manager

NOTE: PLEASE VISIT THE WEB SITE FOR FUTURE AGENDAS AND MINUTES - WWW.DOH.WA.GOV . GO TO LICENSING AND CERTIFICATION AND YOU WILL FIND A LIST OF THE HEALTH CARE PROFESSIONS, GO TO OSTEOPATHIC PHYSICIANS FOR AGENDAS AND MINUTES.
--